

Notice of Allowability	Application No.	Applicant(s)	
	09/523,283	MILLER ET AL.	
	Examiner	Art Unit	
	James W. Myhre	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on July 5, 2005.
2. ☒ The allowed claim(s) is/are 1-13, 15-29 and 32-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

Response to Amendment

1. The amendment filed July 5, 2005 is sufficient to overcome the rejection of claims 15-29 and 32-37 based upon Donohue et al (5,987,480), Griebenow et al (5,850,520), and Rapaport et al (5,890,152). The amendment removed the extra three lines of Claim 37 as erroneously shown on the previous copy of the claims and amended Claims 15 and 32. Therefore, the currently pending claims considered below remain Claims 1-13, 15-29, and 32-37.

Claim Objections

2. The amendment filed on July 5, 2005 removed the extra three lines of Claim 37 which were erroneously added on the previous copy of the claims filed with the September 14, 2004 amendment. The removal of these three lines places the claim back in the originally filed form; thus, the objection to Claim 37 in paragraph 3 of the April 4, 2005 office action is hereby withdrawn.

Allowable Subject Matter

3. Claims 1-13, 15-29, and 32-37 are allowed.

Examiner's Statement of Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Prior art was found which disclosed a document delivery system which stored a plurality of content objects and selectively retrieved at least some of the stored content objects to construct a customized publication based at least in part on a user profile of the requesting user (Donohue et al; 5,987,480, col 4, lines 16-34; col 5, lines 63-67; col 7, lines 35-47; col 8, lines 10-13; and col 11, lines 21-25)(Chen et al; EP 2,039,396) (Dimarco et al; WO 99/08205). Prior art was also found which disclosed a layout manager for selecting the appropriate template (layout) to use when generating a customized publication for the user (Donohue et al; col 5, lines 24-67). However, prior art was not found which also disclosed that the layout manager would maintain a record of time required to complete at least a partial layout of the publication which would be used to estimate the time required to layout and complete future publications as in the newly entered limitation of Claims 1, 15, and 32. Thus, the Examiner considers the maintenance and use of a record of layout times for customized publications to be the non-obvious novelty of the present invention over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

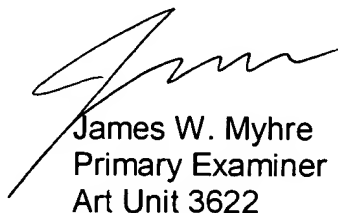
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM
September 1, 2005



James W. Myhre
Primary Examiner
Art Unit 3622